PATENT

Docket No.: 396168 Express Mail Label No. EV 2035256780 US

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

TC 1638

CMI

In re reissue application of Proctor

Reissue Application No. 09/773,323

Filed: 31 January 2001

For: U.S. Patent No. 5,894,079

In re Proctor Reexamination Proceeding

Control No. 90/005,892

Filed: December 20,2000

For: U.S. Patent No, 5,894,079

Title: FIELD BEAN CULTIVAR NAMED ENOLA

Group Art Unit: 1638

Examiner: Nelson, Amy J.

Confirmation No. 6243

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MAR 3 1 2003

**TECH CENTER 1600/2900** 

Date: 25 March 2003

BOX REEXAM Commissioner for Patents Washington, DC 20231

**AMENDMENT** 

Sir:

The Patent Owner responds as follows to the Office Action mailed September 25, 2002 in this consolidated reissue/reexamination proceeding. A duplicate copy of the materials submitted today for inclusion in the reissue file is enclosed for inclusion in the reexamination file.

Respectfully submitted

Dan Cleveland, Reg. No. 36,106

Lathrop & Gage, L.C.

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PATENT Docket No.: 396421

## CERTIFICATE OF SERVICE 37 C.F.R. §1.248

The undersigned certifies that on March 25, 2003, a copy of the foregoing amendment including all attachments was mailed by first class mail bearing sufficient postage to:

Dr. John H. Dodds Dodds & Associates 1707 N. St. NW Washington, D.C. 20036 MAR 3 1 2003 TECH CENTER 1600/2900

The attachments include those specified in the amendment, additionally including a Petition for Four Month Extension of Time, Transmittal, Fee transmittal, Certificate of Mailing, Power of Attorney, Revocation of Power, drawings, Declaration of Polly Proctor, Declaration of Laura Conley, Bassett article, and Declaration of Larry Proctor.

Dan Cleveland, Jr,

Date

**PATENT** 

Docket No.: 396168

Express Mail Label No. EL820326065 US

#25/C

## IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re reissue application of Proctor

Reissue Application No. 09/773,303

Filed: 31 January 2001

For: U.S. Patent No. 5,894,079

In re Proctor Reexamination Proceeding

Control No. 90/005,892

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Group Art Unit: 1638

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Date: 25 March 2003

BOX REISSUE

Commissioner for Patents
Washington, DC 20231

## **AMENDMENT**

⊌ Sir:

The Patent Owner responds as follows to the Office Action mailed September 25, 2002 in this consolidated reissue/reexamination proceeding. The Patent Owner respectfully requests consideration of this amendment in response to the non-final Office Action mailed September 25, 2002. This amendment addresses the offer to surrender, the drawings, the election/restriction requirements, and claim informalities. It further addresses the 35 U.S.C. §112 rejections of claims 8-15, 51, 52 and 54-58, as well as the rejections of the same claims under 35 U.S.C. §102/103. Finally, this amendment addresses the Examiner's Request for Information.

A Petition for four Month Extension of Time is enclosed, as is a check in the amount of \$725 Additional fees may be charged to deposit account 12-6000.

Two copies of this response are included, one for inclusion in the reissue proceeding and another for inclusion in the reexamination proceeding.

Please find attached to this amendment a Revocation of Power of Attorney and a New Power to the undersigned attorney.

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